

Address by Admiral Stansfield Turner
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I am pleased that you made clear in the introduction that I received my present assignment strictly on merit, the fact that I was a classmate of the President had very little to do with it.

One thing I would like to add to the biography, however, is that 3 1/2 years ago when I was sworn in as Director of Central Intelligence I had the great honor of having the oath administered by the Supreme Court's Church Justice for the Tenth Circuit, Associate Justice Byron White. I was very pleased when a few weeks ago he called to reinforce the invitation for me to be here with you today. I am anxious to have this opportunity to exchange ideas with you because I know you are an audience that will well appreciate the dilemma that is has been facing the intelligence community of the United States for the past 5 or 6 years.

Almost everything that you do on the bench, is founded in the Constitution of our country and particularly in those questions in the Constitution that provide the rights and privileges of the citizens of our country. On the other hand almost everything that we are mandated to do in the intelligence world, must be done in an element of secrecy and with that there is a constant question - can we do these tasks that are mandated without infringing on those rights and privileges of Americans under our Constitution.

First, if we are out there spying on a foreign agent and suddenly we find he is involved with an American citizens - do we continue and invade the privacy of that American citizen as well as the foreign agent? What is the propriety of using the implements of intelligence in the name of law enforcement. Ever since the intelligence revelations and investigations of 1974 and 1975, I believe there has been some shift in the American attitude towards this kind of a problem. Perhaps a greater desire to emphasize the rights and privileges and protection of them. At the same time a clear and consistent message from the American people that they want a good and strong intelligence activity.

Perhaps I should start by emphasizing to you why I believe this country needs a strong intelligence activity, particularly because I say to you that as we enter the decades of the 1980's this country faces a more precarious situation than you and I have known in the decades of the 60's and 70's. I say that first, because if you think about it, in the 1980's we will face the first Soviet leadership that has not felt inferior to the United States militarily. That is a significant factor because no matter what we do with our military posture in response the perception of general parity in military strength is going to persist through the bulk of this decade ahead of us. That means that we must conduct our foreign policy in a different manner with different assumptions, with different techniques. The communist cannot be as good or as strong, but it is going to be exercised differently.

Secondly, the decade of the 80's is going to be different for you and for me because I do not believe we can count in the developed world of the west on the same sustained high rate of economic growth that we have known for the past several decades. Why? First, because economic growth is inexorably tied to the rate of growth of energy supplies. We predict at the Central Intelligence Agency that the developed countries of the world will experience a total growth of energy, oil, coal, nuclear, solar, gas everything. A total growth in the 1980's of only one or two percent. That will not sustain, four, five, six, seven percent of total economic growth. Some say we may be wrong - we think the prediction is on the optimistic side.

On top of that, in 1980 it is our forecast that the OPEC nation's of the world will cream off of international trade \$127 billion as surplus under current account. They will put that much away. Now, that may not sound like much, but last year it was \$63 billion, two years ago it was \$3 billion. Why has this change come about? You remember in 1974 they quadrupled the price of oil and these current account surpluses of OPEC went way up, but what did we do to sort of recycle that money. By 1978 they were only getting \$3 billion worth out of this great increase in the price of oil, but in the last 15 months they have increased the price of oil by 125% and more than that they have clearly indicated they are going to index the price of oil to the rate of inflation in the developed world. So we no longer in the future can count on recycling these giant OPEC surpluses, simply by means of inflation.

Third, in my view the political and the economic mechanisms that we in the free world have used to cope with these economic, political and military problems in the past are not going to be used in the same way in the '80's as we have in the past. We cannot lean on these examples and precedents of the 60's and 70's to tell us how to adjust our foreign policy to a bolder Soviet Union or a less predictable economic atmosphere. For instance, our NATO allies, our Japanese allies are prosperous, strong politically and they want their voice to be heard even more in the council of the alliances. It is obvious to all of us that the lesser developed countries that produce raw materials today are much more assertive, much more concerned that their national interests be taken account of by the world order. So, this does not mean that our alliances are going to be weaker, it does not mean that there is inevitable conflict between us and the raw material producing countries, but it does mean we are going to have to change our patterns. We are going to have to be more astute, more foresighting. Better informed with better intelligence if we are going to cope with these changing circumstances around the world. Can we do that within the bounds of more emphasis on legality and ethics in intelligence? I think so, but it is going to take some changes in the way we go about our business. I also think it is going to take some changes in the legislative foundations that provides how we can go about our business.

We have placed considerable restraints on many operations that might involve American citizens or impinge upon their rights, I will give you a couple of examples.

If in a foreign country we are pursuing narcotics traffickers, and in the course of tracking down their activities we suddenly find that they are associated illegally or even legally with some American citizens, we have to drop the case for fear of invading the privacy of that citizen and the fear of entangling intelligence apparatus through law enforcement mechanisms. Still another example took place some time ago in a foreign country that was under rebellion. We were having considerable difficulty knowing what the state of this rebellion was. Suddenly it turned out the best source of information we had available to us were some ham radio transmissions of an American missionary in that backward country. The question immediately arose, was this electronic surveillance of an American person over which we have very strict controls. Had to get together with all our lawyers and we asked the question and finally came up with a very fine definition, as long as he was within a ham radio band and was not trying to disguise his broadcast which he might well do, if he was under some personal danger, we decided it was alright it was not electronic surveillance, but if he was trying to disguise we could interpret that as a desire for privacy and we would have had to drop this sort of intelligence. A very fine line. It is very obvious to you, I am sure, that rules and procedures

like this we must adhere to and we are less speedy, less flexible to our response to changes in situations in foreign countries. Very often we find ourselves literally debating basic constitutional issues between my attorneys and those of the Attorney General in the midst of an operational crisis. I hasten to add that the Attorney General's people have been most cooperative and have given us highly intelligence advice, but clearly this does slow us down it reduce a number of options we have.

On top of that, look at it from the point of view of my people out there in the field because these are complex issues and these people in the field are not lawyers. So they naturally tend to be overcautious and the more complex the statutes and regulations are we give them to work with the greater the likelihood that as soon as America appears on the intelligence scene, they will drop their operation. So this does reduce our flexibility. It can mean that their are interests in which American properties and lives are at stake and we cannot respond as well or as quickly as we would like. Still, I would say to you that it is my personal opinion that the cost of abandoning an occasional operation because of the involvement of an American citizen is bearable and worth it in order to protect their rights and privacy under our Constitution.

There is another cost, however, of all these years of public exposure of intelligence activities of our country that is not bearable. That is not worth it in my opinion. This is the cost of not being able to keep our necessary ingredient of secrecy. Today there is lots of talk about unleashing the CIA. Let me assure you that is not what we want, not what we need and not what we are asking the Congress to give us in the form of legislative relief. But we do need very much is to be able better to protect our secrets. How we collect intelligence information and what that information is. Our effectiveness as an intelligence organization is totally dependent upon our ability to keep our secrets. In four specific areas today we are asking the Congress for help in legislation which will better help us keep those secrets.

First in the area of what is know as Covert Action. Covert action is defined as the effort to influence the course of events in a foreign country without the source of that influencing becoming apparent. Just a few years ago in many parts of our country covert action was an anathema. Some people wanted it legislated out of business. Today the press and the public are more and more are demanding to know why the United States cannot take some action short of military action to protect our interests overseas. They are right. There is a proper place for a limited degree of covert action in our diplomatic portfolio.

In 1974 the Congress passed the Hughes-Ryan Amendment. It requires that whenever the President decides on a covert action I must then notify up to 8 committees of the congress about what we are doing. Now let me assure you that I find it difficult to find volunteers to take high risks, when I have to admit to them that I am notifying up to 200 people on capitol hill about what they are going to do. Yet, I can understand the action of the Congress in 1974. This was an initial effort by the Congress to establish new rules, new controls over what they thought were abuses of intelligence activities. And it may have been necessary and desirable in 1974. Since then we have instituted new and effective oversight procedures for the intelligence process and the heart of those are two committees of the Congress, one in each house dedicated only to overseeing intelligence activities of our country. Our hope today then is to obtain legislation that will reduce the disclosure of covert action to those two committees. But mind you please, that on those committees are representatives of each of the other 6 committees. So in effect we are not narrowing the scope of the oversight in congress of covert action, we are just narrowing the number of people and particularly to those who have an established practice of working with intelligence a keeping the secrets of intelligence. We believe this will greatly reduce the risks to those who carry out our covert action but even more than that it will reduce their perception of being at risk if we make wide notice on capitol hill.

The second area in which we are seeking legislative relief is the Freedom of Information Act. The problem here also is one of perception almost more than fact. Under the Freedom of Information Act as it now stands we have the right to withhold from the public or the KGB if it we entitled to apply under the Freedom of Information Act, information that is classified, information that is secret. But we are having trouble persuading intelligence agents in foreign countries, intelligence services of other nations with whom we cooperate that we are certain to be able to preserve their identities and their information in the face of this legislation. Because there is this provision that we can withhold classified information that is being challenged everyday, as you well know, in your courts. And our foreign collaborators ask, are you going to continue winning those cases. Our agents need reassurance that they specifically exempt from the Freedom of Information Act. What they are asking for is not total relief from this act, but relief only that we do not have to provide information about the sources, the ways in which we obtain the information for our country. We think that can be done while still giving the citizen adequate access to the activities of the Central Intelligence Agency and the other intelligence organizations of our country.

The third area which concerns me very much personally and on which we need legislative relief concerns the unauthorized, the malicious, the callous publication of the identities of our personnel. It is unreasonable to ask an American to work for the CIA overseas, particularly in the lawless atmosphere that exists today and when his life is

constantly in jeopardy by the nature of his work unless we can protect his identity from our enemies. Yet, we are in situation today where individuals like Philip Agee whose avowed purpose in life is to destroy the Central Intelligence Agency by publishing the names of our officers with impunity. In 1975 a roster of CIA names of officers in Athens was published and shortly thereafter the Chief of Station was murdered. Less than four weeks ago a cohort of Philip Agee, Louis Wolf, went to Jamaica and on Jamaican TV he displayed photographs, the names, the addresses, the telephone numbers and the license plate numbers of 15 employees of the American Embassy whom he labeled as CIA officers. Two nights later the house of one of them was assaulted with bombs and machine gun fire, and had the man's daughter been in her bed she might not be alive today. Three nights after that the house of another one of the fifteen was subjected to an abortive attack. It makes not sense to me to call for better intelligence for our country on the one hand and then not take steps to provide for the elemental protection of those who are trying to do our intelligence work. Beyond this obvious risk to an officer and his family's lives, the effectiveness of our officers so compromised is perhaps irreparably damaged. Not only is CIA involved, but the Agee's misname many people who don't work for us and who they label as being in the CIA. The replacement of compromised officers in these situations often takes years. It just sets back our position in whatever we are undertaking.

In addition, when an officer identity is revealed it gives a tremendous boost to foreign counterintelligence services who then traces his ===== with whom he was associated in the past and then they uncover more and more of our people. The lack of protection of the identities of intelligence personnel aids only our country's enemies.

Given the recent incident in Jamaica, I am pleased that there is more enthusiasm, more opportunity on capitol hill today to pass legislation in this regard. We recognize, however, that this is a very delicate area because clearly it tiptoes close to the rights of freedom of speech. The debate in the last six months on capitol hill on this has gone back and forth. A few months ago a senator stood up and said he sympathized with our problem, but he saw no way to curb the rights of an American to say what he wanted to say unless he was an American who had been given authorized access to this information under the terms that he would not reveal it. Last week another senator made the following comment, ===== the civil rights are acceptable because it is not possible to have an ongoing intelligence capability and a totality of civil rights protection. Because of the narrowness in this situation we have practiced the legislative proposal very carefully. It provides on the one hand that those who are given the authorized access to this classification information on identities of our people, they are criminally subject to holding that private as per terms of their having been given the information.

But it does also provide that even those who do not obtain through authorized sources are subject to prosecution, but only if we establish that there has been a pattern of activity with clear intent to impede or impair the intelligence activities of our country. We believe this is a narrow kind of one that does provide adequate protection to a legitimate person publishing that innocently the name of an intelligence officer but yet provide protection to our people that they so badly need today.

Fourth, we go for legislative help in what is known as graymail. You are of course familiar with this term and the fact that refers to the defense attorney who seeks release of irrelevant, even, classified information in order to discourage the government from prosecuting a case. This has been a serious impediment to a number of criminal prosecutions involving classified information. The government has in a number of cases dropped the case rather than accept the risk of disclosing more in prosecution than we lost in espionage. A graymail bill has been drafted by the Attorney General, passed by the Senate, we hope it will pass the House this month. In brief, the bill would enable the government to prevent the unnecessary disclosure of classified information during the discovery and trial by allowing the prosecution to obtain a free trial ruling on issues of relevancy. And, by providing the court alternatives short of dismissal of the case when the government chooses not to disclose relevant classified information because of national security interests. These alternatives might include the judges stipulating that certain

of the facts are true or his dismissing a particular count or his excluding the testimony of a particular witness. To do that the legislation will require that the criminal defendant notify the government in advance of his intention to introduce classified information and that the defendant be prohibited from disclosing classified information until authorized to do so by the judge and permitting hearings for the judge to determine the admissibility of require that the criminal defendant notify the government in advance of his intention to introduce classified information and that the defendant be prohibited from disclosing classified information until authorized to do so by the judge and permitting hearings for the judge to determine the admissibility of classified information in a forum in which its introduction must take place. And require the judge to state in writing the reason for his decision to allow or disallow the use of classified information. And, finally, to permit an interlocutory appeal by the government on a judges decision against the government on a matter disclosing classified information. We think again, that this legislation is practiced very precisely so as to permit the defense adequate opportunity but also to allow us to prosecute more regularly.

To sum up, all of us as American citizens are caught in a dilemma between intelligence and the law. It is a dilemma that is of particular importance to you and your responsibilities in our national framework. On the one hand we are all striving for that ideal of the very open society and one in which the processes of the government are known to its people. On the other hand we all know we need an essentially secret

intelligence service to ensure that we are not caught unawares, that our society is not threatened from without. The issue is can the ideal and the necessary coexist. I think they can. I think they must. The issue is not one of leashing or unleashing the Central Intelligence Agency the issue is whether we can equip our intelligence agencies with the legal and the practical tools to react effectively and in a timely manner to changing world situations. Yet, at the same time require them to adhere to the legal and ethical standards that our country desires. I do believe that we can do both. On the one hand we have a comprehensive executive and congressional oversight which has been instituted within the last four years and which I believes gives our public justifiable confidence that the intelligence activities of their country, under close scrutiny and will be careful to follow the laws and the ethics of our country. On the other hand I am very heartened by the growing public and congressional understanding and support of a strong intelligence process. Naturally, the legal remedies I have mentioned by the Congress, hopefully in this session will be a big part of that. Because of this support and these legislative remedies, I believe that in this present atmosphere of greater emphasis on ethics and legality we can continue to be effective. We are moving steadily in the right direction, but we are not yet there. I ask your continued understanding, more than that I ask your continued support. Support not just for the legislative measures I mentioned, but support for the maintenance of a strong intelligence capability which will enable our country to learn about the circuit and foresee the events in foreign countries in the precarious decade of the 1980's. Thank you.